

**PROTECTION FROM INTIMATE DEEP FAKES ACT (EXCERPT)**  
**Act 11 of 2025**

**752.388 Intentional creation or dissemination of deep fakes; violation; penalties; defenses; applicability; liability of entities.**

Sec. 8.

- (1) An individual shall not intentionally create or disseminate a deep fake if all of the following apply:
  - (a) The individual knew or reasonably should have known that the creation, distribution, dissemination, or reproduction of the deep fake would cause physical, emotional, reputational, or economic harm to an individual falsely depicted.
  - (b) The deep fake realistically depicts any of the following:
    - (i) The intimate parts of the depicted individual.
    - (ii) The depicted individual engaging in a sexual act.
  - (c) The depicted individual is identifiable in either of the following ways:
    - (i) From the deep fake itself, by the depicted individual or by a reasonable individual viewing or listening to the deep fake.
    - (ii) From the personal information displayed in connection with the deep fake.
- (2) Except as provided in subsection (3), an individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, a fine of not more than \$3,000.00, or both.
- (3) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 3 years, a fine of not more than \$5,000.00, or both, if 1 or more of the following apply:
  - (a) The depicted individual suffers financial loss because of the creation or dissemination of the deep fake.
  - (b) The individual creates or disseminates the deep fake with intent to profit from the dissemination.
  - (c) The individual maintains an internet website, online service, online application, or mobile application for the purpose of creating or disseminating the deep fake.
  - (d) The individual posts the deep fake on a website.
  - (e) The individual creates or disseminates the deep fake with intent to harass, extort, threaten, or cause physical, emotional, reputational, or economic harm to the depicted individual.
  - (f) The individual has previously been convicted of violating subsection (1).
- (4) It is not a defense to a prosecution under this section that the depicted individual consented to the creation or possession of the deep fake, or to the voluntary private or public transmission of the deep fake, unless both of the following apply:
  - (a) The consent is contained in an agreement written in plain language signed knowingly and voluntarily by the depicted individual.
  - (b) The consent includes a general description of the intimate digital depiction and, if applicable, the audiovisual work into which it will be incorporated.
- (5) This section does not apply if any of the following apply:
  - (a) The creation or dissemination is made for the purpose of a criminal investigation or prosecution that is otherwise lawful.
  - (b) The creation or dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct.
  - (c) The creation or dissemination is made in the course of seeking or receiving medical or mental health treatment, and the image is protected from further dissemination.
  - (d) The deep fake relates to a matter of public interest and creation or dissemination serves a lawful public purpose.
  - (e) The creation or dissemination is made for legal proceedings and is consistent with common practice in civil proceedings necessary for the proper functioning of the civil justice system, or protected by court order that prohibits any further dissemination.
- (6) This section must not be construed to impose liability on the following entities for providing the transmission infrastructure or access to content created by another person:
  - (a) An interactive computer service as defined in 47 USC 230(f)(2).
  - (b) A provider of public mobile services or private radio services.
  - (c) A telecommunications network or broadband provider.
  - (d) A provider or developer of a technology used in the creation of a deep fake, if the technology is not designed for, marketed for, or deployed for the nonconsensual creation or dissemination of deep fakes that realistically depict the intimate parts of depicted individuals or depicted individuals engaging in sexual acts, and if the provider or developer has prohibited explicit deep fake content in accordance with the provider's or developer's terms of service.

**History:** 2025, Act 11, Imd. Eff. Aug. 26, 2025